THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 06-09-2005

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WRIT PETITION No.19669 of 2005

Between:

N.Venkata Subbamma and others . . .Petitioners

And

The District Collector, Kadapa, and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.19669 of 2005

O R D E R:

The petitioners were assigned various extents of land through D.K.T. Pattas in 1994. The Revenue Divisional Officer, Rajampet, the second respondent, initiated *suo motu* proceedings for cancellation of the said pattas on the ground that their lands were not brought under cultivation. After issuing notices to the petitioners and conducting enquiry, the second respondent passed an order, dated 16-09-2005, cancelling the entries in 10(1) Adangal as well as D.K.T. Pattas. He directed the third respondent to take necessary steps and permitted the local schedule tribe people to take possession of the land in question.

The petitioners claim to have preferred a revision before the first respondent together with an application for stay. Their grievance is that the first respondent has not passed any order on the application of stay and they seek appropriate orders in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The second respondent exercised suo motu powers and set aside D.K.T. Pattas and other entries that existed in favour of the petitioners. A revision under the relevant Board Standing Orders was preferred by the petitioners before the first respondent. They also filed an application for stay. While passing the orders dated 16-05-2005, the second respondent has issued a direction, which is very strange in nature. He permitted the local schedule tribe people to enter the land and take possession of it. Such a course of action is not only impermissible in law and it would lead to anarchy. It would have been a different thing, had he directed the third respondent to resume the land and to take necessary steps, for assigning the same to eligible persons.

The failure on the part of the first respondent in passing the orders on the application filed by the petitioners for interim orders, would certainly affect the rights of the petitioners. Unless any interim orders are passed in their favour, they will face threat of dispossession not only from the third respondent, but also from the third parties. If they are dispossessed in the meanwhile, the very purpose of filing the revision would be defeated.

For the foregoing reasons, the writ petition is disposed of directing that till the first respondent disposes of the revision filed by the petitioners, the order dated 16-05-2005 passed by the second respondent shall remain suspended.

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(L.NARASIMHA REDDY, J)

6th SEPTEMBER, 2005.

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